

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**ROBERT BROWN,**

**Petitioner,**

**- against -**

**UNITED STATES OF AMERICA**

**Respondent.**

**02 Civ. 9305 (HB)**

**ORDER**

**Hon. HAROLD BAER, JR., District Judge:**

WHEREAS, on November 9, 2009, Petitioner Robert Brown ("Brown" or "Petitioner"), filed a motion for relief from a judgment or order, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure; and

WHEREAS, this Court previously denied a Rule 60(b) motion filed by Petitioner on February 15, 2005 because the motion attacked the integrity of the underlying criminal conviction and not the integrity of the previous habeas proceeding, *see Harris v. United States*, 367 F.3d 74, 77 (2d Cir. 2004); and,

WHEREAS, Petitioner's present motion likewise attacks the integrity of the underlying criminal conviction, in that it seeks to challenge the statute of limitations of criminal violations he plead guilty to in his original criminal action on November 16, 1999; it is hereby

**ORDERED**, that Petitioner's Rule 60(b) motion is DENIED. The Clerk of the Court is instructed to close the relevant open motion on my docket.

**SO ORDERED**  
New York, New York  
December 21, 2009

  
United States District Judge